

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES WILLIAMS,

Plaintiff,

v.

STATE CORRECTIONS OFFICERS
ASSOCIATION, et al.,

Defendants.

Civil Action No. 10-19 Erie

MEMORANDUM ORDER

This action was received by the Clerk of Court on January 28, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 49], filed on November 18, 2010, recommended that the Motion to Dismiss filed by the Commonwealth Defendants [Doc. No. 17] be granted in part and denied in part and that the motion to dismiss filed by Defendants Bashline, Gilreath, Mowry and Telega [Doc. No. 17] be granted in part and denied in part. The Magistrate Judge recommended, *inter alia*, that the motions be denied with respect to the Defendants' arguments relative to *res judicata* and/or the *Rooker-Feldman* doctrine based upon the limited record before the court. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants.

Objections were filed by the Plaintiff on December 2, 2010 [Doc. No. 54]. Defendants were granted an extension until December 16, 2010 in which to file objections [Doc. Entry dated December 10, 2010]. Objections were filed by the Commonwealth Defendants on December 14, 2010 [Doc. No. 56] and Objections were filed by Defendants PHS, Bashline, Gilreath, Mowry and Telega on December 15, 2010 [Doc. No. 57].

In their Objections, the Defendants have attached documents in support of their *res judicata* and/or *Rooker-Feldman* arguments that were not before the Magistrate

Judge. In light of this additional evidence, this matter shall be remanded to the Magistrate Judge for consideration of this evidence in the first instance.

AND NOW, this 22nd day of December, 2010, upon consideration of the Objections filed by all parties to the Magistrate Judge's Report and Recommendation [Doc. No. 49], and for the reasons set forth above,

IT IS HEREBY ORDERED that the matter is REMANDED to the Magistrate Judge for further proceedings.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge